United Nations S/AC.45/2007/2

Security Council

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13 March 2007

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 12 March 2007 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) and, with reference to paragraph 5 of Security Council resolution 1727 (2006), has the honour to transmit herewith a report, as requested, on the steps the Netherlands' Government has taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005) (see annex).

07-26982 (E) 230307

Annex to the note verbale dated 12 March 2007 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

Netherlands report on efforts towards implementation of Security Council resolution 1727 (2006)

Pursuant to paragraph 5 of United Nations Security Council resolution 1727 (2006), I have the honour to inform you about the steps taken by the Netherlands government to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005).

As a Member State of the European Union (EU), the Netherlands implements the provisions of resolutions that fall within the scope of the competence of the EU via EU Common Positions and European Regulations, the latter being directly applicable in the Netherlands. The restrictive measures against Côte d'Ivoire imposed by resolutions 1572 and 1643 have been jointly implemented by taking the following common measures:[1]

- Council Common Position 2007/92/CFSP of 12 February 2007[2] renews the measures floating from Common Position 2004/852/CFSP[3] and Common Position 2006/30/CFSP[4] until 31 October 2007. Common Position 2006/30/CFSP sets out the EU's commitment to implementation of all the measures contained in resolutions 1572 and 1643, and provides the basis for some of the specific implementing measures adopted by the Council of the EU. Common Position 2006/30/CFSP renewed the measures contained in Common Position 2004/852/CFSP, which imposed the measures contained in resolution 1572, and additionally provided for the prohibition on the import of rough diamonds from Côte d'Ivoire imposed by resolution 1643 (2005).

- Council Decision 2006/172/CFSP of 27 February 2006[5] implements Common Position 2004/852/CFSP and establishes, for the purposes of the visa ban, the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006.

- Council Regulation (EC) No. 174/2005 of 31 January 2005,[6] as amended by Commission Regulation (EC) No. 1209/2005,[7] implements in the European Community the restrictions on the supply of assistance related to military activities to Côte d'Ivoire as imposed by resolution 1572. The Commission Regulation amends the list of competent authorities in Member States to which

[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en (published issues) and http://europa.eu.int/eur-lex/lex/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union L 41, 13.02.2007, p. 16.

[3] Official Journal of the European Union L 368, 15.12.2004, p. 50.

[4] Official Journal of the European Union L 19, 24.1.2006, p. 36.

[5] Official Journal of the European Union L 61, 2.3.2006, p. 21.

[6] Official Journal of the European Union L 29, 2.2.2005, p. 5.

[7] Official Journal of the European Union L 197, 28.7.2005, p. 21.

the Council Regulation assigns specific functions in the implementation of the Council Regulation.

- Council Regulation (EC) No. 560/2005 of 12 April 2005,[8] as amended by Commission Regulation (EC) No. 250/2006,[9] implements in the European Community the freezing of funds and economic resources of persons and entities designated by the United Nations Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in resolution 1572. The Commission Regulation amends the Council Regulation by including the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006 in annex I to the Council Regulation.

- The prohibition on the import of all rough diamonds from Côte d'Ivoire, as imposed by resolution 1643, is being enforced in the European Community by virtue of Council Regulation (EC) No. 2368/2002 of 20 December 2002,[10] which implements the Kimberley Process Certification Scheme (KPCS) in the European Community. Given that no Kimberley Process certificates are being issued by Côte d'Ivoire and given that the Chair of the Kimberley Process has instructed Participants in the KPCS not to accept any shipments of rough diamonds with certificates issued by the authorities of Côte d'Ivoire, no rough diamonds from Côte d'Ivoire can currently be imported into the European Community. Moreover, in implementation of the resolution adopted by KPCS Participants meeting in plenary in Moscow in November 2005, the European Commission (which represents the European Community in the KPCS) has requested the authorities of Member States to report any imports of rough diamonds suspected of involving rough diamonds originating in Côte d'Ivoire, and any cases of trade of rough diamonds within the EC that are suspected of involving rough diamonds originating in Côte d'Ivoire. To date, there have been no confirmed cases in the EU of import or trade involving rough diamonds originating in Côte d'Ivoire since the entry into force of Regulation 2368/2002.

- Council Regulation (EC) No. 539/2001 of 15 March 2001[11] requires nationals of Côte d'Ivoire to be in possession of a visa when entering the European Union.

The Netherlands Minister of Foreign Affairs, in cooperation with other ministers concerned, has laid down national provisions in secondary legislation, within the framework of the Sanctions Law 1977 to stretch for implementation of above-mentioned EU Common Positions and Regulations. Pursuant to Common Position 2004/852/CFSP and Council Regulations (EC) No. 174/2005 and No. 560/2005, *Sanctieregeling Ivoorkust 2005*[12] provides for national realization of the measures to prevent the supply, sale or transfer to Côte d'Ivoire of arms or any related materiel, as well as the provision of any assistance, advice or training related to military activities; to prevent the entry into or transit through their territories of

[8] Official Journal of the European Union L 95, 14.4.2005, p. 1.

[9] Official Journal of the European Union L 42, 14.2.2006, p. 24.

[10] Official Journal of the European Union L 358, 31.12.2002, p. 28.

[11] Official Journal of the European Union L 81, 21.3.2001, p. 1.

[12] *Stcrt.* 124, 30 June 2005.

certain persons; and to provide for the freezing of funds, other financial assets and economic resources. *Sanctieregeling conflictdiamanten 2003*[13] provides for the necessary measures regarding the import of rough diamonds, thereby implementing Council Regulation (EC) No. 2368/2002.

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[13] *Stcrt.* 39, 24 February 2003.

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Security Council

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Letter dated 20 March 2007 from the Deputy Permanent Representative of the United States Mission to the United Nations addressed to the Chairman of the Committee

The United States Mission to the United Nations hereby submits to the Security Council Committee established pursuant to resolution 1572 (2004) a report on practical steps the United States Government has taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005), pursuant to the request in paragraph 5 of resolution 1727 (2006) (see annex).

The United States believes it is essential that Member States fully and effectively implement their obligations under Security Council resolutions 1572 (2004) and 1643 (2005).

(*Signed*) Alejandro D. **Wolff**
Ambassador

07-27663 (E) 300307

Annex to the letter dated 20 March 2007 from the Deputy Permanent Representative of the United States Mission to the United Nations addressed to the Chairman of the Committee

United States report on efforts towards implementing resolutions 1572 (2004) and 1643 (2005)

The United States believes it is essential that Member States fully and effectively implement their obligations under United Nations Security Council resolutions 1572 (2004) and 1643 (2005). Pursuant to the request in paragraph 5 of resolution 1727 (2006), following is a description of the practical steps the United States has taken to implement the measures imposed by paragraphs 7, 9 and 11 of 1572 and paragraph 6 of 1673:

Resolution 1572 (2004)

***Paragraph 7**: All States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice, or training related to military activities.*

In 2004, the United States suspended all existing authorizations for the export of defence articles and defence services to Côte d'Ivoire and instituted a policy of denial of future applications for such authorization. The United States will consider applications that are consistent with any of the exceptions established in paragraph 8 of resolution 1572 (2004). Relevant U.S. authorities include the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations.

***Paragraph 9**: All States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee established by paragraph 14 below, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence, and any other person determined by the Committee to be in violation of measures imposed by paragraph 7 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals.*

The United States has taken steps, including updating relevant databases, to ensure that persons designated pursuant to this paragraph will not be permitted to enter into or transit through U.S. territories. United Nations Security Council resolutions are considered in our visa adjudication procedures.

***Paragraph 11**: All States shall freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, owned or controlled directly or indirectly by the persons designated pursuant to paragraph 9 above by the Committee established by*

paragraph 14 below, or that are held by entities owned or controlled directly or indirectly by any persons acting in their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities.

Executive Order 13396 requires all United States persons to block or "freeze" the property and assets, subject to U.S. jurisdiction, of individuals or entities designated pursuant to the Order, which was issued by the President to implement resolution 1572 and subsequent resolutions related to Côte d'Ivoire. The Order prohibits U.S. persons, wherever located, or anyone in the United States from engaging in any transactions with any person, entity or organization listed in or designated pursuant to the Order. According to the Order, a person determined to meet any of the following criteria may be designated: (1) to constitute a threat to the peace and reconciliation process in Côte d'Ivoire; (2) to be responsible for serious violations of international law in Côte d'Ivoire; (3) to have directly or indirectly supplied, sold or transferred to Côte d'Ivoire arms or assistance, advice or training related to military activities; (4) to have publicly incited violence and hatred contributing to the conflict; (5) to have provided material, financial or technical assistance to any person designated pursuant to this Order; or (6) to be owned or controlled by or acting or purporting to act for or on behalf of any person designated pursuant to this Order.

In February 2006, the United States designated, under Executive Order 13396, the three individuals (Goude Charles Ble, Djoue N'goran Eugene Kouadio, and Martin Kouakou Fofie) approved by the Committee established pursuant to resolution 1572 (2004) on 7 February 2006 as subject to the measures imposed by paragraph 11.

Resolution 1643 (2005)

Paragraph 6*: Decides that all States shall take the necessary measures to prevent the import of all rough diamonds from Côte d'Ivoire to their territory, welcomes the measures agreed by participants in the Kimberley Process Certification Scheme to this effect, and calls upon all States in the region to join the Kimberley Process in order to increase the effectiveness of monitoring the import of diamonds from Côte d'Ivoire.*

Following adoption of resolution 1643 in December 2005, U.S. Customs officials alerted all U.S. ports of entry to detain diamond shipments from Côte d'Ivoire. U.S. Customs officials are also monitoring automated systems for any indication of suspicious shipments.

Relevant U.S. authorities include the Clean Diamond Trade Act of 2003, which requires the President to take steps to implement the Kimberley Process Certification Scheme for rough diamonds in the United States, Executive Order 13312 on "Implementing the Clean Diamond Trade Act" and the "Rough Diamonds Control Regulations" administered by the U.S. Department of the Treasury.

The United States is also undertaking projects with other states to prevent imports of diamonds produced in Côte d'Ivoire, including:

- Working with Côte d'Ivoire neighbouring country Guinea to strengthen Guinean land tenure and property rights systems;
- Launching, in cooperation with the U.S. Geological Survey and the French Bureau de Rechereches Geologique et Minieres, a programme to assist Guinea and Kimberley Process applicant Mali to assess their geological production capacity — an important factor in Kimberley Process statistical reporting; and
- Offering, in response to concerns about trans-shipments of Côte d'Ivoire diamonds through Ghana, to assist Ghana in conducting geologic production assessments of diamond production capacity.

The United States remains very concerned about conflict diamonds from Côte d'Ivoire making their way into international markets, and we will continue to take all necessary measures to control conflict diamond trade whenever possible.

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 8 March 2007 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and, with reference to paragraph 5 of Security Council resolution 1727 (2006), has the honour to transmit Switzerland's report on the implementation of paragraphs 7, 9 and 11 of Security Council resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) (see annex).

07-28809 (E) 290307 020407

Annex to the note verbale dated 8 March 2007 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

[Original: French]

Report submitted by Switzerland pursuant to Security Council resolution 1727 (2006)

In its resolution 1727 (2006) of 15 December 2006, the United Nations Security Council requests all States concerned to report to the Security Council Committee established pursuant to resolution 1572 (2004) on the practical steps they have taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005).

On 15 February 2005, Switzerland submitted an initial report to the Committee on the steps it had taken to implement the measures imposed by resolution 1572 (2004). On 27 April 2006, Switzerland submitted a second report to the Committee, in accordance with paragraph 7 of resolution 1643 (2005). Since then, there has been no change in the legal and administrative framework put in place to implement paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005).

The Ordinance of 19 January 2005 imposing measures against Côte d'Ivoire includes an annex containing the names of three individuals subject to the assets freeze and the travel ban. This annex was updated on 12 June 2006 and again on 22 January 2007 to reflect the changes made on 5 June 2006 and 18 December 2006 to the United Nations consolidated list of individuals subject to paragraphs 9 and 11 of resolution 1572 (2004).